

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

KEVIN KEITH EARLS,

Plaintiff,

v.

DALLAS SHERIFF'S
DEPARTMENT,

Defendant.

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Case No. 3:22-CV-2508-X-BN

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE
JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. [Doc. No. 4]. Plaintiff Kevin Keith Earls, a Texas prisoner, filed a *pro se* complaint against the Dallas Sheriff's Department alleging that, while he was incarcerated at the Dallas County jail in 1993, he attempted to commit suicide and was attacked by another inmate.¹ The Magistrate Judge concluded that the Dallas Sheriff's Department is not subject to suit as a jural entity with "a separate legal existence," and that Earls's claims are time-barred.² Thus, the Magistrate Judge concluded that the claims are frivolous and should be dismissed with prejudice under 28 U.S.C. § 1915(a).


¹ Doc. No. 4 at 1 (citing Doc. No. 3).

² Doc. No. 4 at 2 (citing *Darby v. Pasadena Police Dep't*, 939 F.2d 311, 313–14 (5th Cir. 1991) (cleaned up); *Helton v. Clements*, 832 F.2d 332, 334 (5th Cir. 1987)).

Earls did not object to the Magistrate Judge's findings, conclusions, and recommendation.

The District Court reviewed for plain error the proposed findings, conclusions, and recommendations. Finding none, the Court **ACCEPTS** the Findings, Conclusions, and Recommendations of the United States Magistrate Judge. The Court **DISMISSES WITH PREJUDICE** this suit.

IT IS SO ORDERED, this 16th day of February, 2023.



BRANTLEY STARR
UNITED STATES DISTRICT JUDGE